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Attorney Docket No. 051481-5047-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: John E. COOK et al.) Confirmation No.: 8315
Application No.: 09/165,772) Group Art Unit: 2856
Filed: 2 October 1998) Examiner: Politzer, J.
For: TEMPERATURE CORRECTION METHOD)
AND SUBSYSTEM FOR AUTOMOTIVE)
EVAPORATIVE LEAK DETECTION SYSTEMS)

#27 Petition
WJP Aband.

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PETITION UNDER 37 CFR §1.181
TO WITHDRAW HOLDING OF ABANDONMENT

Sir:

Pursuant to the provisions of 37 C.F.R. §1.181, Applicant hereby petitions to withdraw the holding of abandonment (Notice of Abandonment issued 30 December 2003) in the above-referenced application which has been held abandoned in view of the decision by the Board of Patent Appeals and Interferences ("Board"), rendered 24 September 2003 (a copy is enclosed), and because the period for seeking court review of the decision has expired and there are no allowed claims.

In accordance with the provisions of 37 C.F.R. § 1.197(c), the time for seeking review of a decision of the Board by the Court of Appeals for the Federal Circuit or the U.S. District Court for the District of Columbia is the same for both tribunals, that is, 2 months. *See M.P.E.P. § 1214.06.*

Applicant filed on 24 November 2003 a Request for Continued Examination and a Preliminary Amendment (a copy is enclosed) in accordance with the requirements of 37 C.F.R. § 1.114. The requisite fee set forth in 37 C.F.R. § 1.17(e) was authorized in section 4 of the Request for Continued Examination to be charged to Deposit Account 50-0310. The date of submission to the U.S. Patent Office is evidenced by the enclosed copy of the date stamped filing receipt postcard.

Therefore, Applicants hereby petition to withdraw the holding of abandonment in the above-referenced application on the grounds that the Request for Continued Examination and the requisite accompanying submissions were timely filed in the U.S. Patent and Trademark Office before the period for seeking court review of the decision had expired, and occurred prior to the filing of a notice of appeal or commencement of a civil action as set forth in 37 C.F.R. § 1.114(a)(3).

Prompt and favorable action on the Petition is respectfully requested. In accordance with 37 C.F.R. § 1.17 it is believed that no fees are required at this time.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: 20 February 2004

By: 
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